

NOTICE – Important DNR Hearing – NR115 Shoreland Zoning Rule changes

Wednesday, August 15, 2007

DNR Presentation 4:30pm – 5:30pm

Public Comment period 5:30pm – 8:00pm

Oshkosh North High School Auditorium, 1100 W Smith Ave, Oshkosh, WI

The result from this hearing will impact all property owners in Shoreland Zoning areas, which are 300' from a navigable stream or river, 1000' from a lake or pond, or within the floodplain, whichever distance is greater. The term '*stream*' includes many small ditches that many people do not consider anything but a ditch.

The Wisconsin DNR is proposing to update the Shoreland Zoning rules following a multi-year process. The rules propose to "protect public rights in navigable waters while allowing property owners the flexibility necessary to make reasonable use of their properties." In the opinion of your town board the new rules, while allowing some flexibility, come at a cost that is far too restrictive.

Reasons/examples for being too restrictive are:

- The following structures would now require a County permit as well as a DNR permit in most cases for piers, rip-rap, boat shelters, fish cribs, and boat ramps. County permits would also be required for a house boat or other structures that are licensed as a boat, camping trailers, swimming pools, hot tubs, patios, sidewalks, driveways, porches, and parking lots within the shoreline zoning area. These new permits with an added cost would be in addition to a typical permit issued for buildings, fences, etc.
- The new rule proposed includes an impervious area standard and requires re-vegetation if more than 20% of the lot is defined as impervious. Impervious means anything that is paved, covered, or compacted that includes structural surfaces such as decks, patios, gravel areas, and driveways; basically any surface that is not vegetated.
- The new rule limits the maximum area of impervious surface (includes all structures above) to 10% of the lot if vacant, or 20% if mitigation is used. Construction of new homes, driveways, sidewalks, patios, piers, rip-rap, etc., are all subject to this restriction. Many existing properties along the lake already exceed this maximum so no further improvements would be allowed and could make many current buildable lots not buildable.
- The impervious surface standards would be imposed on all property within 300' of 'navigable water' (term explained in the first paragraph), not just on property fronting the water. No impervious surface standards are imposed on properties in the shoreland zone between 300' and 1000' from the shore.
- Requires property owners to re-vegetate and maintain the vegetation on all or part of their shoreline 75' setback from the high water mark in a variety of situations such as:
 - Construction of new or remodeled principal structure (home/business);
 - When a permit for a structure exceeds the 10% or 15% impervious area and mitigation is required;
 - Or when setback reduction is used and mitigation is required.
- Rules will not allow the use of setback averaging as currently administered.
- Prohibits the use of setback reduction for a garage, business, or farm.
- Prohibits the use of setback reduction on a vacant lot to build a new structure if the required 75' setback and the 30' deep buildable area can be met, even if there are two adjacent neighboring houses that are closer to the water.

- Prohibit the construction of a new boathouse larger than 250 square feet.
- Required mitigation will address water quality via water runoff standards; habitat in the primary buffer (first 35' from water) by maintaining natural habitat or restoring, enhancing, and maintaining natural plant communities, and natural beauty by the maintenance or restoration of shoreland vegetation or other natural features (rock outcrops, sand dunes, etc) that only applies in the first 300' from the water.
- Required that the County to address any vegetation removal in the shoreland zone (up to 1000' from the water). No vegetation may be removed, without proper vegetative replacement, in the primary buffer (first 35' from the water).
- An exemption from setback reduction process is only restricted to a newly constructed home with a 'unique property feature' with an undefined meaning leaving those in authority to decide whether, in their opinion, it fits what they believe is an *unique property feature* situation. A reduction can only be minimal and may not be as close to the water as adjacent structures.

In order to keep this notice as brief as possible, we have only highlighted a few points of many numerous changes that will not only affect Winnebago County, but the entire State of Wisconsin. To see the complete NR115 Shoreline Zoning Rule changes go to the DNR website at:

<http://dnr.wi.gov/org/water/wm/dsfm/shore/Documents/NR115-2007MayBoardFinal.pdf>

or check our website for supplemental NR115 information at www.tn.oshkosh.wi.gov.

Your State legislators helped the DNR to make this hearing in Oshkosh possible. We strongly urge you to attend the hearing as this may be your last chance to have input in this matter.

Public comments spoken at the hearing will be limited to 3 minutes. Written comments may be sent to:

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